

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

FREDERICK BULLOCK and RENEE
BULLOCK,

Plaintiffs,

v.

WELLS FARGO BANK, N.A. aka
WELLS FARGO HOME MORTGAGE,

Defendant.

Case No. 4:23-cv-00017-SLG

ORDER RE MOTION TO DISMISS

On August 21, 2023, Defendant Wells Fargo Bank, N.A. aka Wells Fargo Home Mortgage ("Wells Fargo") filed a motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) at Docket 9 and, at Docket 6, a motion for judicial notice in support of the motion to dismiss. Plaintiffs must serve and file any opposition to the motion to dismiss and motion for judicial notice as provided in the Federal Rules of Civil Procedure, the Local Civil Rules, and Court orders. The following sets out the legal standards applicable to a motion to dismiss.

Under Rule 12(b)(6), a defendant may move to dismiss a complaint for failure to state a claim upon which relief can be granted. To determine whether a complaint states a valid claim for relief, a court considers whether the complaint contains sufficient factual matter that, if accepted as true, "state[s] a claim to relief

that is plausible on its face.”¹ In conducting its review, a court must liberally construe a self-represented plaintiff’s complaint and give the plaintiff the benefit of the doubt.² When considering a motion to dismiss, a court may not consider matters outside the pleadings—such as party declarations, medical reports, or other evidence—without converting the motion to a motion for summary judgment.³ However, a court may take judicial notice of facts that are not subject to reasonable dispute if: (1) they are generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.⁴

IT IS THEREFORE ORDERED:

1. Plaintiffs have **21 days from the date of this order** to file with the Court any opposition to Defendant’s motion to dismiss at Docket 5 and motion for judicial notice at Docket 6. A copy of the opposition must also be served on any attorney that has appeared on behalf of a Defendant in this action. See Rule 5, Federal Rules of Civil Procedure.

¹ *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). In making this determination, a court may consider “materials that are submitted with and attached to the Complaint.” *United States v. Corinthian Colleges*, 655 F.3d 984, 999 (9th Cir. 2011) (citing *Lee v. L.A.*, 250 F.3d 668, 688 (9th Cir. 2001)).

² See *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (citing *Bretz v. Kelman*, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985) (en banc)).

³ Fed. R. of Civ. P. 56. See also *Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001).

⁴ Fed. R. Civ. P. 12(d); Fed. R. Evid. 201(b). See also *Marder v. Lopez*, 450 F.3d 445, 448 (9th Cir. 2006); *Lee v. City of Los Angeles*, 250 F.3d 668, 688–89 (9th Cir. 2001).

2. Defendant has **14 days** after service of Plaintiffs' opposition to serve and file an optional reply.

3. At all times, Plaintiffs shall keep the Court informed of any change of address. Such notice shall be titled "Notice of Change of Address."⁵ The notice shall contain only information about the change of address, and its effective date. The notice shall not include requests for any other relief. A Notice of Change of Address form, PS23, may be obtained from the Clerk of Court, if needed.

DATED this 6th day of September, 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

⁵ See Local Civil Rule 11.1(b) (requiring a notice of change of address to be filed "[s]elf-represented parties must keep the court and other parties advised of the party's current address and telephone number.").